

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: :
Bharat B. Gera :
Serial No.: 76/619,812 : Published in OG: October 4, 1005
Filed: November 9, 2004 :
Mark: JAQULINE :
Goods: HAIR BLEACH :
Hedman and Costigan
1185 Avenue of the Americas
New York, NY 10036
December 8, 2005

JAQULINE, INC. CORP.)
)
Opposer)
v.)
BHARAT B. GERA)
)
Applicant)

Attn.: Trademark Trial and Appeal Board

NOTICE OF OPPOSITION

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

12/16/2005 GTHDHAS2 00000004 76619812
01 FC:6402 300.00 OP

Sir:

Opposer, JAQULINE, INC. CORP. having a place of business at 9 East
Lockerman Street, Suite 1B, in the city of Dover, County of Kent, believes it will be
damaged by registration of Applicant's mark JAQULINE, which is the subject of
Application Serial No. 76/619,812 filed November 9, 2004 and published in the Official
Gazette of October 4, 2005.

As grounds for the Opposition, Opposer alleges as follows:



12-08-2005

U.S. Patent & TMOc/Tl Mail Rpt Dt. #34

1. Opposer, through its predecessors in interest, commenced use in interstate commerce at least as early as January 11, 1992 of the trademark JAQULINE for hair removing cream, hair removing wax strips, hair remaining wax beads and peel off facial beauty masks, in International Class 3 since that date in interstate commerce.
2. Through extensive advertising and use, the mark JAQULINE has become a famous mark for hair removing cream, hair removing wax strips, hair remaining wax beads and peel off facial beauty masks.
3. Opposer has used the mark JAQULINE and is the owner of U.S. Trademark Registration No. 1,923,209 granted on October 3, 1995 and which has been renewed. A copy of this registration as used by the United States Patent and Trademark Office is attached thereto. This registration is valid and subsisting. The correct status and title copies of the registration prepared by the United States Patent and Trademark Office will be submitted at the appropriate time in this proceeding.
4. Applicant has filed an application for registration of the mark JAQULINE for hair bleach in International Class 3. This application was filed on October 9, 2004; assigned Serial No. 76/619,812; and published for opposition purposes in the October 4, 2005 U.S. Patent and Trademark Official Gazette.
5. Opposer has filed the necessary extensions of time to extend the date for filing the opposition to January 2, 2006.
6. Applicant's JAQULINE mark and Opposer's JAQULINE mark are identical in sound, appearance and connection so as likely to cause confusion or to cause

mistake or to deceive the purchasing public as to affiliation, connection or association between Applicant and Opposer or is likely to cause confusion or to cause mistake or to deceive the purchasing public as to the origin, sponsorship or approval of Applicant's goods or commercial activities by Opposer.

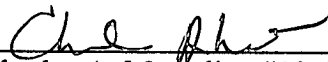
7. The mark sought to be registered by Applicant is confusing similar to Opposer's JAQUINE trademark such that use and/or registration of Applicant's mark is likely to cause confusion, mistake or deceive the purchasing public and others as to affiliation, connection, association, origin, sponsorship or approval of Applicant's goods to commercial activities by Opposer and as such cause irreparable damage to Opposer and as such cause irreparable damage to Opposer's JAQUINE trademark.

WHEREFORE, Opposer respectfully requests that its opposition be sustained and that application to register the mark in Application Serial No. 76/619,812 be denied.

Enclosed is PTO form 2038 for \$300 for the opposition fee.

JAQUINE, INC. CORP.

Dated: December 8, 2005


Charles A. Muserlian #19,683
Attorney for Opposer
1185 Avenue of the Americas
New York, NY 10036
Tel. 212 302 8989
Fax 212 302 8998

CERTIFICATE OF SERVICE

It is hereby certified that a copy of this motion has been mailed by first class mail, postage prepaid, this 8th day of December 2005 to the attorneys of Bharat B. Gera at their address of: Kathryn Jennison Shultz, Jennison & Shultz, P.C. Crystal Plaza #1, Suite 1102, 2001 Jefferson Davis Highway, Arlington, VA 22202.

Hedman and Costigan


Charles A. Muserlian #19,683

CAM:mlp



United States Patent and Trademark Office

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Trademarks > Trademark Electronic Search System(Tess)

TESS was last updated on Thu Dec 8 04:12:38 EST 2005

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Typed Drawing

Word Mark	JAQULINE
Goods and Services	IC 003. US 001 004 006 050 051 052. G & S: hair removing cream, hair removing wax strips, hair removing wax beads, and peel off facial beauty masks. FIRST USE: 19920111. FIRST USE IN COMMERCE: 19920111
Mark Drawing Code	(1) TYPED DRAWING
Design Search Code	
Serial Number	74457627
Filing Date	November 12, 1993
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	July 11, 1995
Registration Number	1923209
Registration Date	October 3, 1995
Owner	(REGISTRANT) G.D. INCORPORATED CORPORATION NEW JERSEY 763 Convery Boulevard Perth Amboy NEW JERSEY 08861 (LAST LISTED OWNER) JAQULINE INC. CORPORATION DELAWARE 9 EAST LOOKERMAN STREET SUITE 1 B DOVER DELAWARE 19901
Assignment Recorded	ASSIGNMENT RECORDED

Attorney of Record Kathryn Jennison Shultz
Prior Registrations 1754786
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 8 (6-YR). SECTION 8(10-YR) 20041218.
Renewal 1ST RENEWAL 20041218
Live/Dead Indicator LIVE

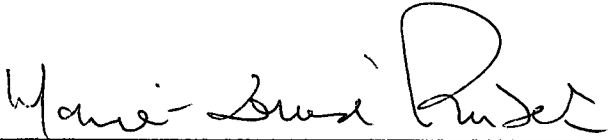


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Date of Deposit: December 8, 2005

I hereby certify that this correspondence is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" Service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Trademarks, P.O. Box 1451 Alexandria, VA 22313-1451.


Marie-Louise Pinset